

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHARLES NEELY,

Plaintiff,

v.

EMORY HEALTHCARE, INC.,
A Georgia Non-Profit Corporation,

Defendant.

CIVIL ACTION FILE NO.
1:12-cv-00503-MHS

**ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING CASE WITH PREJUDICE**


This case involves claims under the Fair Labor Standards Act, 29 U.S.C § 201, *et seq.*, based on Defendant's alleged failure to properly compensate Plaintiff for all hours worked. This matter is before the Court upon the Joint Motion for Approval of Settlement Agreement And For Order Of Dismissal With Prejudice ("Joint Motion") of the parties for the approval of their compromise and settlement of this action.

The Court acknowledges that this Order is a judicial approval of a reasonable compromise, not a finding, conclusion, or reflection of any admission of a violation of the Fair Labor Standards Act, willful, intentional, or otherwise. The Court has reviewed the parties' Joint Motion and the draft Settlement Agreements submitted under seal. The Court is further aware of investigation by the parties of the facts underlying the lawsuit, and of negotiations between the parties. The Court is of the opinion that there are *bona fide* disputes over application of the relevant provisions of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* In light of these legitimate disputes, the Court is of the opinion that the parties' Settlement Agreement reflects a fair and reasonable resolution of these *bona fide* disputes. Consequently, the Court ORDERS as follows:

1. The Court GRANTS the parties' Joint Motion.
2. The Court APPROVES the form of the Settlement Agreement and directs that the proposed Settlement Agreement be retained "under seal" to protect Defendant's confidentiality concerns.
3. The Court APPROVES the monetary distribution as described in the Settlement Agreement and ORDERS such payments to be made accordingly.

4. This case is hereby DISMISSED WITH PREJUDICE with each party to bear his or its own expenses and attorneys' fees as provided in the Settlement Agreement.

DONE and ORDERED this 17 day of May, 2011.



MARVIN H. SHOOB
UNITED STATES DISTRICT JUDGE